

20239. Adulteration and misbranding of potatoes. U.S. v. 300 Sacks of Potatoes. Product ordered released under bond to be relabeled. (F. & D. no. 28683. Sample no. 13409-A.)

This action involved the interstate shipment of a quantity of potatoes which were below the grade declared on the label.

On August 16, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 300 sacks of potatoes, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 13, 1932, by George Briggs & Son, from Cheshire, Ohio, to Pittsburgh, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Sack) "Potatoes * * * No. 1 Grade Ohio River Cobblers, Cheshire Potato Growers, Cheshire, Ohio."

It was alleged in the libel that the article was adulterated in that potatoes below the grade stated on the label had been substituted for the said article.

Misbranding was alleged for the reason that the statement on the label, "Number One Grade", was false and misleading and deceived and misled the purchaser; and for the further reason that the article was offered for sale under the distinctive name of another article.

The George Lafbury Co., Pittsburgh, Pa., entered an appearance as agent for the Cheshire Potato Growers, Cheshire, Ohio, consented to the entry of a decree of condemnation and forfeiture, and petitioned for release of the product. On August 19, 1932, the court ordered the product released to the claimant for relabeling, upon the execution of a bond in the sum of \$200. The relabeling of the product was effected by obliterating all reference to grade appearing on the sacks.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20240. Adulteration of caraway seed. U.S. v. 15 Bags of Caraway Seed. Default decree of forfeiture and destruction. (F. & D. no. 28780. Sample no. 9358-A.)

This action involved a lot of imported caraway seed which was found to contain rodent excreta.

On August 25, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 bags of caraway seed, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped in foreign commerce by the Catz American Co., Inc., of New York, N.Y., from The Netherlands, that it had been entered at the port of Boston on or about September 16, 1931, and that it was adulterated in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On September 19, 1932, no claimant having appeared for the property, judgment of forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20241. Adulteration of canned salmon. U.S. v. 144 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 28767. Sample no. 14789-A.)

This action was based on the interstate shipment of a quantity of canned salmon, samples of which were found to be partially decomposed.

On August 20, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 144 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 5, 1932, by the Ellson Packing Co., from Douglas, Alaska, to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Eat More Salmon E. P. Co. Red."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.